

CITY OF MILWAUKIE

ORDINANCE NO. 1690

AN ORDINANCE OF THE MILWAUKIE CITY COUNCIL ESTABLISHING A PROCEDURE FOR CREATING AN ECONOMIC IMPROVEMENT DISTRICT AND SETTING A DATE, TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF AN ECONOMIC IMPROVEMENT DISTRICT IN THE DOWNTOWN AREA, IN ACCORDANCE WITH ORS 223.112-223.132.

WHEREAS, representatives from the Milwaukie Downtown Development Association support an economic improvement district in the downtown area in order to promote business activity by coordinating the efforts of all property owners by and through a "downtown manager," and

WHEREAS, this manager would coordinate activities, encourage cleanup and beautification efforts, be a source of information for renters and prospective renters, organize marketing efforts, serve as a source of information and assistance to association members and recruit new businesses, and

WHEREAS, Section 36 of the Milwaukie Charter provides that "The procedure for levying, collecting and enforcing special assessments to be charges against real property for public improvements or other services shall be by ordinance;" and

WHEREAS, ORS 223.112 to 223.132 grants authority and establishes a procedure for the formation of an economic improvement district; and

WHEREAS, the Milwaukie Downtown Development Association will be circulating a petition in favor of formation of an economic improvement district; and

WHEREAS, ORS 223.117 requires that a public hearing be held at which property owners may appear to support or object to the proposed improvement and assessment; and

WHEREAS, the petition will be considered by the City Council at the first public hearing on formation of the proposed district; now, therefore,

THE CITY OF MILWAUKIE ORDAINS AS FOLLOWS:

Section 1. Proposed Economic Improvement District.

(a) The purpose of the project is to promote, within the district, economic improvement by planning or management of development or improvement activities; by landscaping or other maintenance of public areas; by promotion of commercial activity

or public events; by activities in support of business recruitment and development; and by improvements in parking systems or parking enforcement.

(b) Assessment will commence with passage of an assessment ordinance adopting the assessments and shall be for a three year period thereafter. The estimated amount to be assessed is \$18,000 each year, commencing in fiscal year 1990-91.

(c) The total estimated cost of the economic improvement district per year is \$56,000. The total estimated amount to be collected from assessments in the district each year is \$18,000. The balance of funds shall be raised from other sources. The total sum to be collected by assessment shall be determined by the amount of assessed value available in the association boundary. The proposed formula for apportioning the cost shall be:

$$\text{ASSESSED VALUE} \div 1,000 \times \text{RATE} = \text{Assessment Amount.}$$

(d) The assessment district is described in Exhibit "A", which is attached hereto and incorporated herein by this reference. Assessments shall be apportioned over the assessment district.

(e) The owners of property proposed to be assessed are enumerated in Exhibit "B", which is attached hereto and incorporated herein by this reference; except that the Council intends the following classes of property be exempt from assessment: churches, railroads, exclusive residential (single and multiple-family units) and City of Milwaukie property. The city may amend the assessment district to include any of said properties at the time they are converted to a commercial use.

Section 2. Limitations.

The City shall not be authorized to:

(a) Levy assessments in an economic improvement district in any year that exceed one percent of the true cash value of all the real property located within the district.

(b) Include within an economic improvement district any area of the city that is not zoned for commercial or industrial use.

(c) Levy assessments on residential real property or any portion of a structure used for residential purposes.

Section 3. Notice of Proposed Economic Improvement District.

(a) The City Recorder shall give notice to the affected property owners by mail, announcing the intention of the Council to undertake the economic improvement district project and to

assess benefited property for part of the cost. The notice shall state the time and place of the public hearing at which owners may appear to support or object to the proposed district or assessment.

(b) Notices shall be mailed to the property owners more than 30 days prior to the public hearing. The public hearing shall be held at 7:00 p.m. on the 20th day of November, 1990, in the Council Chambers, Milwaukie, Oregon.

Section 4. Determinations To Be Made Following the Public Hearing.

Following the public hearing, the Council shall:

(a) Determine that the assessment shall be made.

(b) Determine the property to be benefited.

(c) Determine the cost to be borne by the respective parcels in the proposed district.

(d) Direct the City Recorder to prepare the assessment roll and file it in the appropriate city office.

(e) Direct the City Recorder to mail to the owner of each lot to be assessed a notice of the amount of the assessment, and state the time and place of a second public hearing at which time affected property owners may appear to support or object to the proposed assessment. The hearing shall not be held sooner than 30 days after mailing of the notice.

(f) The Council, at said second hearing, may adopt, correct, modify or revise the proposed assessments.

(g) The assessments will not be made and the economic improvement project terminated when written objections are received at the second public hearing from owners of property upon which more than 33 percent of the total amount of assessments are levied.

Section 5. Appointment of Advisory Committee.

The Council proposes to appoint the Milwaukie Downtown Development Association as the advisory committee to the Council for the expenditure of funds assessed and collected from this economic improvement district; and further, that the Milwaukie Downtown Development Association and the City of Milwaukie shall enter into an agreement wherein the association provides the services to accomplish the goals and objectives of the proposed economic improvement. The agreement between the city and the Milwaukie Downtown Development Association shall be approved by the City Manager and City Attorney and ratified by the Board of

Directors of the Milwaukie Downtown Development Association and the Milwaukie City Council before going into effect.

Read for the first time on October 16, 1990 and moved to a second reading by 5-0 vote of the City Council.

Read for the second time and adopted by the City Council on October 16, 1990.

Signed by the Mayor on October 16, 1990.

Roger Hall
Roger Hall, Mayor

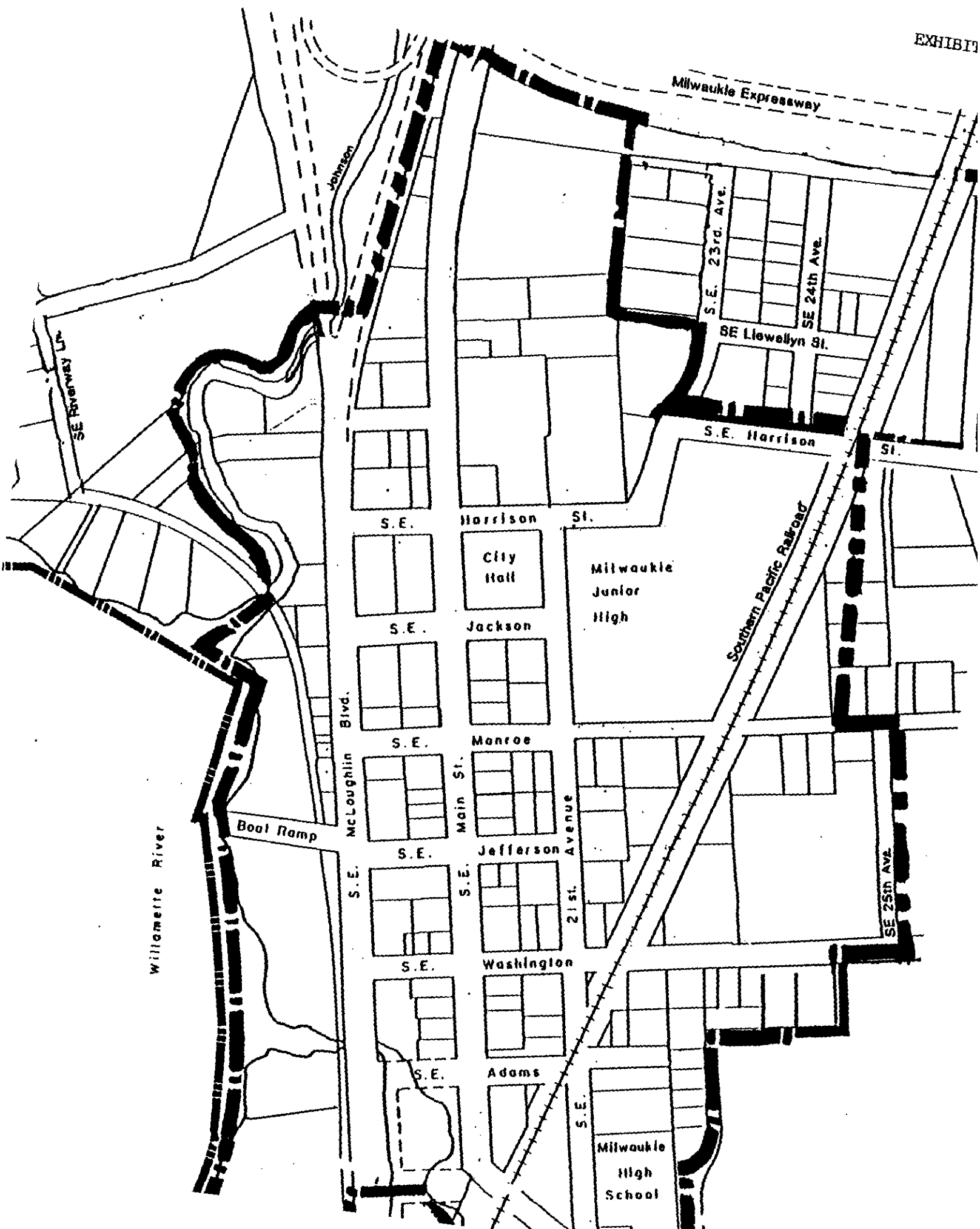
Attest:

Jerri L. Widner
Jerri L. Widner, City Recorder

Approved as to form:

James V. Rennis
City Attorney

mmd\milwaukie\EID.ord



O'DONNELL, RAMIS, CREW & CORRIGAN

ATTORNEYS AT LAW
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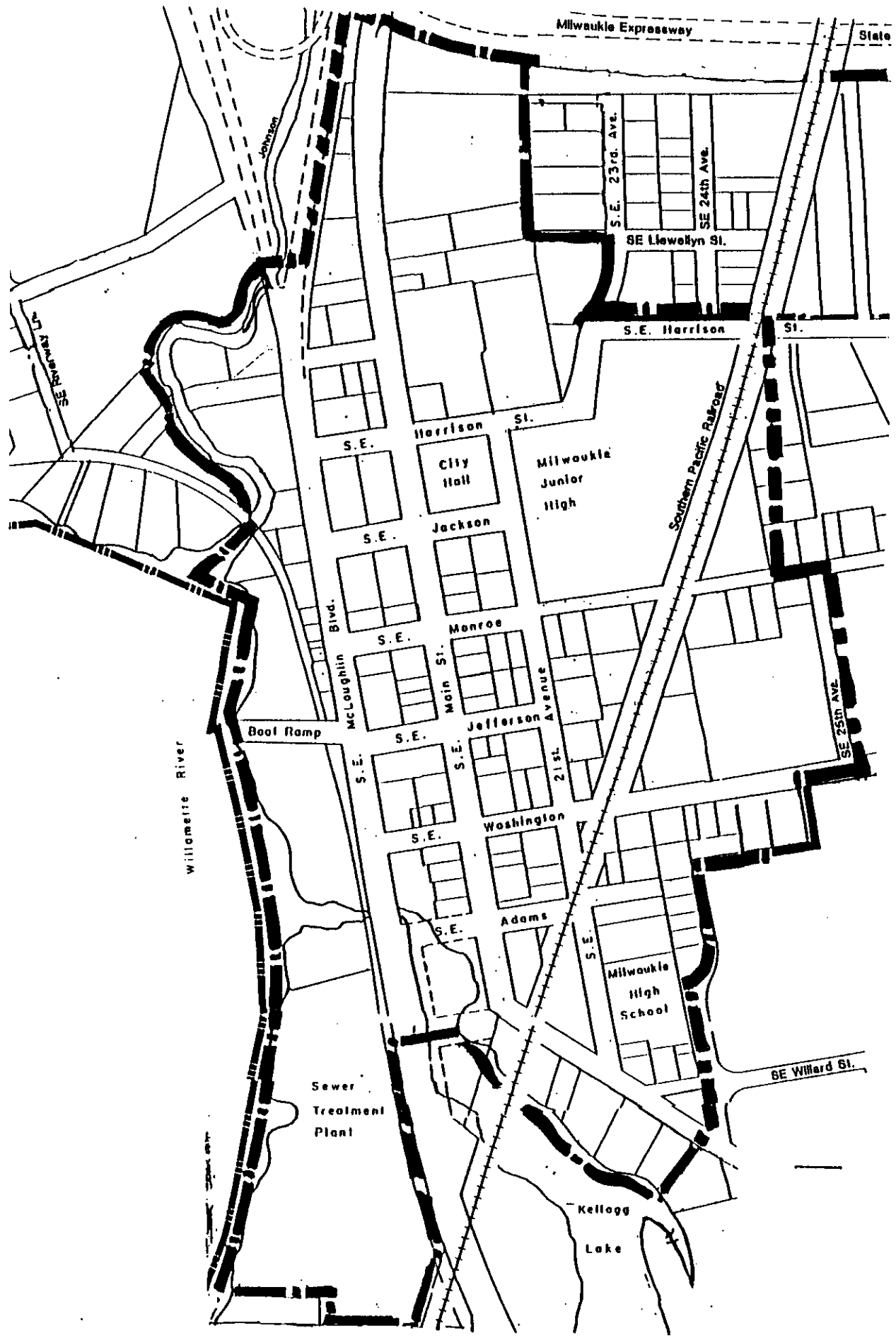
TELEPHONE: (503) 222-4402
FAX: (503) 243-2944

DATE: October 8, 1990
TO: Dan Bartlett
FROM: Bill Monahan
RE: Timeline for Formation of EID

After reviewing ORS 223.117, I suggest the following schedule for formation of an economic improvement district in the downtown area:

October 16	- Adoption of the ordinance establishing a procedure for creating an EID and setting a date, time and place for a public hearing
October 19	- Complete mailing of notice to property owners of the intention to form an EID
November 20	- Public hearing re formation of the EID; After the hearing, the Council may move to proceed with the formation of the district
November 30	- Complete mailing of notice to property owners informing them of the proposed assessment amount
January 1991	- Public hearing regarding proposed assessments; After the hearing, the Council may adopt an ordinance forming the district

If you have any questions, please let me know.



MILWAUKIE DOWNTOWN DEVELOPMENT ASSOCIATION

ECONOMIC IMPROVEMENT DISTRICT

PROPOSED ASSESSMENT ROLL

Legal Description	Owner/Address	Location
1S 1E 25CC 300	Samaritan Lodge 7640 Ridgewood Dr. Gladstone, OR 97027	10282 SE Main
1S 1E 25CC 400	Paul & Susan Brunelle(trustee) 3366 Marina Ave. Livermore, CA 94550	10300 SE Main
1S 1E 25CC 401	William Oetken 10306 SE Main Milwaukie, OR 97222	10306 SE Main
1S 1E 25CC 402	William Oetken 10306 SE Main Milwaukie, OR 97222	10306 SE Main
1S 1E 25CC 403	US National Bank of Oregon 111 SW 5th #355 Portland, OR 97204	10400 SE Main
1S 1E 25CC 404	Henry Bauer 1/2 50 SW 2nd #314 Portland, OR 97204	10477 SE Main
1S 1E 25CC 405	Robert Roberts 13525 SW Canyon Rd. Beaverton, OR 97005	10387 SE Main
1S 1E 25CC 406	Paul & Susan Brunelle (trustees) 3366 Marina Ave. Livermore, CA 94550	10415 SE Main
1S 1E 25CC 407	Jaedoo & Wanjoo Lee 10345 SE Main Milwaukie, OR 97222	10345 SE Main
1S 1E 25CC 700	Irwin Scott Adams Jr. 10466 SE Main Milwaukie, OR 97222	10466 SE Main
1S 1E 25CC 800	Irwin Scott Adams, Jr. 11365 SE Rusk Road Milwaukie, OR 97267	No Situs Address

MILWAUKIE DDA - EID
Proposed Assessment Roll

Legal Description	Owner/Address	Location
1S 1E 35AA 1300	S & J Devel. & Investment 2400 SW 4th Ave. #110 Portland, OR 97201	10801 SE Main
1S 1E 35AA 1400	Grant & Geraldine Lindquist 10883 SE Main St. Milwaukie, OR 97222	10883 SE Main
1S 1E 35AA 1500	Mary Jane Nemeyer 4503 SE King Road Milwaukie, OR 97222	10909 SE Main
1S 1E 35AA 1600	Katherine Koenig 4503 SE King Rd. Milwaukie, OR 97222	10933 SE Main
1S 1E 35AA 1700	Surburban Explorations Inc. 2008 SE Monroe Milwaukie, OR 97222	10955 SE Main
1S 1E 35AA 1800	Virginia Hill 2708 SE Monroe Milwaukie, OR 97222	10999 SE Main
1S 1E 35AA 1900	Atlantic Richfield PO Box 2485 Los Angeles, CA 90051	10966 SE McLoughlin
1S 1E 35AA 2100	Paul & Carole Ponce William & Ada Roberts 1912 SE Monroe Milwaukie, OR 97222	1906 SE Monroe
1S 1E 35AA 2200	*Jim Cobb 7795 SW Northvale Milwaukie, OR 97222	10993 SE McLoughlin
1S 1E 35AA 2300	*Michael J Hilger 410 NW 18th #201 Portland, OR 97209	10937 SE McLoughlin
1S 1E 35AA 2400	WMB Investment Co. 6795 SW 11th Beaverton, OR 97005	10901 SE McLoughlin
1S 1E 35AA 2500	Grace Wills Estate 11104 SE Home Ave. Milwaukie, OR 97222	10887 SE McLoughlin
1S 1E 35AA 2600	Doug & Marie Cousin 1640 Manor Dr. Gladstone, OR 97027	10875 SE McLoughlin
1S 1E 35AA 2700	Daniel Eastman Trustee 1781 Kilkenny Drive Lake Oswego, OR 97034	No Situs Address

MILWAUKIE DDA - EID
Proposed Assessment Roll

Legal Description	Owner/Address	Location
1S 1E 35AD 600	Donald & Jean M. Thomas 3719 SE 144th Portland, OR 97236	1925 SE Washington
1S 1E 35AD 700	West One Bank PO Box 2882 Portland, OR 97208	11088 SE McLoughlin
1S 1E 35AD 800	Richard & Zeruah Dyke PO Box 5969 Portland, OR 97228	11010 SE McLoughlin
1S 1E 35AD 900U1	So. Pac. Transpor. Co. 304 Union Station Portland, OR 97209	No Situs Address
1S 1E 35AD 900U2	Union Pacific Railroad Co. PO Box 2500 Broomfield, CO 80020	No Situs Address
1S 1E 35AD 1000	Caffall Bros. Forest Prod. PO Box 725 Wilsonville, OR 97077	11405 SE McLoughlin
1S 1E 35AD 1100	Doris & Glen Smith 12203 SE 19th Milwaukie, OR 97222	11100 SE McLoughlin
1S 1E 35AD 1200	Fred & Irene McNaughton 11103 SE Main Street Milwaukie, OR 97222	11103 SE Main
1S 1E 35AD 1300	Doris & Glen Smith 12203 SE 19th Milwaukie, OR 97222	No Situs Address
1S 1E 35AD 1301	Doris & Glen Smith 12203 SE 19th Milwaukie, OR 97222	No Situs Address
1S 1E 35AD 1302	Doris & Glen Smith 12203 SE 19th Milwaukie, OR 97222	No Situs Address
1S 1E 35DA 190U1	Union Pac. Railroad Co. PO Box 2500 Broomfield CO 80020	No Situs Address
1S 1E 35DA 190U2	Union Pacific Railroad Co. P.O. Box 2500 Broomfield, CO 80020	No situs
1S 1E 36BB 1300	Chestnut Hill Corp. 2403 SE Monroe Milwaukie, OR 97222	2403 SE Monroe
1S 1E 36BB 1600	Dr. Joel Kay Joyce Starnaud 2215 SE Harrison Milwaukie, OR 97222	No Situs Address

MILWAUKIE DDA - BID
Proposed Assessment Roll

Legal Description	Owner/Address	Location
1S 1E 36BB 3800	*Steven Morse 102 NE 1st Canby, OR 97045	10998 SE 21st
1S 1E 36BB 3900	*Authur E. Brenner 10952 SE 21st Milwaukie, OR 97222	10952 SE 21st
1S 1E 36BB 4000	American S/L Assoc. PO Box 5555 Portland, OR 97228	10900 SE 21st
1S 1E 36BB 4100	American S/L Assoc. PO Box 5555 Portland, OR 97228	2120 SE Monroe
1S 1E 36BB 4300	Richard Morse 102 NE 1st Canby, OR 97013	No Situs Address
1S 1E 36BB 4400	Pramco Inc. Rt 1, Box 82 A1C Newberg, OR 97132	2305 SE Washington
1S 1E 36BC 100	*Steven Morse 102 NE 1st Canby, OR 97013	10998 SE 21st
1S 1E 36BC 200	Bernard Lombard 10609 SE 37th Ave. Milwaukie, OR 97222	11050 SE 21st
1S 1E 36BC 300	Lawrence Dennis 621 SE Manchester Pl. Portland, OR 97202	11049 SE 21st
1S 1E 36BC 400	Doug & Marcia Naef 11085 SE 21st Ave. Milwaukie, OR 97222	2025 SE Washington
1S 1E 36BC 700	*Atlas Construction Co. 4361 NE Division St. Gresham, OR 97030	11008 SE Main
1S 1E 36BC 800	*David C. Libbey LTD Partner. (Nona & Louis Muller) 11056 SE Main Milwaukie, OR 97222	11056 SE Main
1S 1E 36BC 900	Norman Lee Trustee 1935 SE Washington #500 Milwaukie, OR 97222	11094 SE Main
1S 1E 36BC 1000	Joseph Bernard Jr. 2036 SE Washington Milwaukie, OR 97222	No Situs Address

MILWAUKIE DDA - BID
Proposed Assessment Roll

Legal Description	Owner/Address	Location
1S 1E 36BC 3600	Dr. Mireno DeCristoforo 11358 SE 21st Ave. Milwaukie, OR 97222	11358 SE 21st
1S 1E 36BC 3700	Milwaukie Glass *Alan & DeAnn Cohen 3136 E Burnside Portland, OR 97214	11380 SE 21st
1S 1E 36BC 4800	Thomas Bachhuber Sr. 2236 SE Washington Milwaukie, OR 97222	2236 SE Washington
1S 1E 36BC 4801	Paul Olson 14922 SE Wanda Drive Milwaukie, OR 97267	11165 SE 23rd
1S 1E 36BC 5100	Catherine & Lawrence Froland 14110 SE Fair Oaks Way Milwaukie, OR 97267	2306 SE Washington
1S 1E 36BC 5200	Frank Piacentine 11165 SE 23rd Milwaukie, OR 97222	No Situs Address
1S 1E 36BC 5300	Frank Piacentine 11165 SE 23rd Milwaukie, OR 97222	11162 SE 23rd
1S 1E 36BC 5400	George & Betty VanBergen 2336 SE Washington Milwaukie, OR 97222	2326 SE Washington
1S 1E 36BC 5500	George & Betty VanBergen 2336 SE Washington Milwaukie, OR 97222	2336 SE Washington
1S 1E 36CB 2300	Dale & Estel Harlan 2202 SE Lake Road Milwaukie, OR 97222	2202 SE Lake Road